

institution would be well served if each of us was a little more like him. On behalf of all of us, and for my constituents, I want to thank him for his service and his example.

Let's wish Senator SARBANES and his wife Christine well in this next phase of their lives. But let's also hope that we will continue to hear PAUL's voice on important policy issues. He may be retiring from this body, but I suspect his commitment to strengthening this country and improving the lives of all Americans will continue. For that, as much as for all that PAUL has accomplished through his distinguished career in the Senate, we should be grateful. I know that I am.

Mr. President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. GRAHAM). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOMINATION OF ROBERT M. GATES, TO BE SECRETARY OF DEFENSE

EXECUTIVE SESSION

The PRESIDING OFFICER. Under the previous order, the hour of 11:30 having arrived, the Senate will proceed to the executive session to consider the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

The legislative clerk read the nomination of Robert M. Gates, of Texas, to be Secretary of Defense.

Mr. WARNER. Mr. President, I am going to initiate our discussion this morning on this important nomination. My distinguished ranking member, Senator LEVIN, will soon join me.

I urge all Senators to seek an opportunity, if they so desire, to address this very important nomination not just to the executive branch but, indeed, the Nation and, indeed, the world. All eyes are on this nominating process and this extraordinary candidate who stepped forward to offer his services and the wisdom of our President in finding, selecting, and convincing this outstanding American to, once again, serve the Nation—and, indeed, I think the whole world—in this important post.

I want to acknowledge the fact that yesterday, with the strong support of the distinguished ranking member, Senator LEVIN, the Armed Services Committee, in I believe a very commendable way and a very thorough way, held extensive hearings on Dr. Gates, with probably close to 60 hours in public and another close to 2 hours or less maybe in executive session. We thoroughly examined and cross-examined this nominee. He exhibited those extraordinary qualities that he has had

throughout his public life—candor, patience, clear and concise answers, no equivocation, no effort to dodge any response which he felt would contribute to the RECORD. I commend this distinguished nominee.

Then I have to say, with a great sense of pride, on behalf of the committee—not myself or Senator LEVIN but on behalf of the committee—the vote was unanimous, even though, in the course of that deliberation there were varying opinions of the members of our committee which I respect—those varying opinions on what has happened and what is happening today in Iraq and in Afghanistan and other troubled parts of the world and what our course of action should be for the future.

The committee came together and, I am proud to say, unanimously adopted the recommendations of the chair to have this nomination go forward to the Senate.

It is interesting. One of the strongest proponents in the course of that deliberation was our distinguished and revered colleague, Senator BYRD. He has been a member of the committee for many years. I asked Senator BYRD if he would like to place before the committee the nomination of Robert Gates. He did so. I seconded it and then followed all members of the committee voting “aye.”

Senator LEVIN and his staff and all members of the committee—and, indeed, my staff—were very helpful in the preparation of the very important steps that must be taken for this nomination. We didn't cut any corners. We didn't rush. We did what I say was a very competent job, consistent with the finest traditions of the advice-and-consent role which is especially entrusted to the Senate.

In the brief period since the President announced his intent to nominate Dr. Gates on November 8, and recognizing the importance of this nomination to our national security, we have worked together to compile a thorough record on which the committee and the full Senate can rely with confidence.

Doctor Gates has a long and distinguished record of accomplishments and service to his community and to the Nation. He completed his undergraduate studies at the College of William & Mary in the Commonwealth of Virginia, receiving the prestigious Algernon Sydney Sullivan Award, which is awarded to graduating seniors who have distinguished themselves in service to others and to the community.

He then went on to receive a master's degree in history from Indiana University in 1966, and later, a Ph.D. in Russian and Soviet history from Georgetown University in 1974. I would like to note that in recent years Dr. Gates, among various distinguished academic posts, served as a trustee of the endowment fund for the College of William and Mary, which in 1998 conferred upon him the honorary degree of Doctor of Humane Letters.

Doctor Gates joined the CIA in 1966, but he served on active duty in the Air Force from 1967 through 1969 assigned to the Strategic Air Command. He rejoined the CIA upon his release from active duty and spent over 26 years as an intelligence professional, including a period of nearly 9 years assigned to the National Security Council.

Doctor Gates served as Deputy Director of Central Intelligence from 1986 until 1989, and, subsequently, as Assistant to the President and Deputy National Security Adviser from January 20, 1989 until November 6, 1991, for President George H. W. Bush. Dr. Gates was nominated by President George H. W. Bush, to be the 15th Director of the CIA in June 1991. Dr. Gates is the only person who has ever risen from the ranks to become the Director of Central Intelligence.

Doctor Gates has been awarded the National Security Medal, the Presidential Citizens Medal, the National Intelligence Distinguished Service Medal on two occasions, and three times received the CIA's highest award, the Distinguished Intelligence Medal.

In September and October 1991, the Senate Select Committee on Intelligence under the leadership of Senator David Boren conducted hearings on Dr. Gates's nomination to be the Director of Central Intelligence. The Committee on Intelligence took the testimony of some 21 witnesses, compiled a record of over 2,500 pages of testimony, and favorably reported Dr. Gates's nomination to the full Senate.

During the Senate floor debate on Dr. Gates' nomination, on November 4, 1991, I complimented Senator Boren on the thoroughness of his committee's work.

I stated, at that time, I had the privilege—and Dr. Gates was very thoughtful yesterday to indicate that—to introduce him to the Intelligence Committee for that hearing. In the context of that introduction and then on the floor of the Senate, this paragraph summarizes my own personal views of this extraordinary nominee.

I said:

Bob Gates is a very thoughtful man, an honest man, an experienced official, a good analyst, a non-nonsense manager, and a man with a vision of the future direction of the role of U.S. intelligence.

I reiterate those comments in the context of this nomination again today.

On November 5, 1991, Dr. Gates was confirmed by the Senate and served with distinction throughout the remainder of former President Bush's term.

Yesterday, at our hearing on this nomination, Senator Boren and our former leader, Senator Robert Dole, testified in support of Dr. Gates's nomination and urged a new spirit of bipartisanship as we wrestle with the problems of national security we, as a Nation, face today.

I ask unanimous consent that Senator Boren's statement and such statement as we hopefully will get from Senator DOLE be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1).

Mr. WARNER. Mr. President, I will quote Senator Boren's remarks of yesterday. Senator Boren stated:

During the 6 years that I chaired the Senate Intelligence Committee, I watched Dr. Gates effectively work to build a consensus on sensitive issues.

Democrats and Republicans had equal seats at the table. During these 6 years, in no small part because of his bipartisanship spirit and his respect for the oversight and policymaking role of Congress, our committee had only a tiny handful of rollcall votes and none of them was close. We simply worked with each other and with the executive branch, often represented by Dr. Gates, until a consensus was reached.

I believe I am the only current Member of the Senate who was a member of that committee at that time. All have retired from this institution. I remember those days quite well. It was a warming experience to see yesterday. I know full well he won the hearts and minds of all. He is noted for his ability to cross the aisle and work out consensus opinions, reach decisions which are always, in his judgment and the judgment of others, in the best interests of our country. This demonstrates Dr. Gates' qualification for the position of Secretary of Defense. It gives us a clear indication of how he will lead.

I ask unanimous consent to have printed a letter in support of the nomination received from a former chairman of the Committee on Armed Services, with whom I was ranking member for many years, the Honorable Sam Nunn of Georgia.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NUCLEAR THREAT INITIATIVE,
Washington, DC, December 4, 2006.

Hon. JOHN WARNER,
Chairman,
Hon. CARL LEVIN,
Ranking Member, Senate Armed Services Committee,
U.S. Senate, Washington, DC.

DEAR JOHN AND CARL: I wish that I could attend Tuesday's hearing to help my friend David Boren introduce Robert Gates, whom I believe is immensely qualified to serve as Secretary of Defense.

Unfortunately, my travel schedule prevents me from being with you in person, but I have asked David to submit the attached statement into the Record on my behalf.

Best wishes,

SAM NUNN.

Enclosure.

STATEMENT OF FORMER SENATOR SAM NUNN
ON THE NOMINATION OF ROBERT M. GATES,
UNITED STATES SENATE ARMED SERVICES
COMMITTEE, DECEMBER 5, 2006

Chairman Warner, Senator Levin, and Members of the Committee, although I am able to join you today, I appreciate the opportunity to share with you my thoughts on the nomination of Robert Gates to be our next Secretary of Defense.

As you know, during my 24 years in the United States Senate, I spent a great deal of time focusing on issues pertaining to the national defense. I had the great pleasure and

honor of serving with many of you, including my good friends John Warner and Carl Levin. As we focused on remaining steadfast and prevailing during the Cold War and on helping the Department of Defense meet the challenges involved in transitioning from the Cold War to a new, and vastly different, world. I had the opportunity to work closely with a number of Defense Secretaries and Directors of the CIA.

Even in the best of times, defending our nation while managing a bureaucracy as big as the Pentagon, and at the same time bearing primary responsibility for the lives and welfare of our men and women in uniform, is a monumental task. These are clearly not the best of times. There is no question that our nation faces serious challenges on a number of fronts. Among those challenges is the task of rebuilding our forces, who have met and continue to meet extraordinary demands in Iraq and Afghanistan. The situations in those countries, as well as other global demands on our military, including the new generation of global threats, compound, by several orders of magnitude, the difficulties that will face our next Secretary of Defense. In particular, the Secretary of Defense has a critical role to play in addressing the global threats from nuclear, biological and chemical weapons.

The next Secretary of Defense has been dealt a tough hand of cards. We must have a Secretary who is open to change, who values and gains a realistic and objective assessment of the facts, and who has the experience, judgment, and wisdom to lead the Pentagon during the perilous and challenging times ahead.

I have known Bob Gates for at least 20 years, and I believe that we are fortunate that he is willing to serve as our next Secretary of Defense. Bob Gates is, in my view, an excellent choice to lead the Department of Defense in these challenging times. He has a well-deserved reputation on both sides of the aisle for competency, integrity and objectivity. He is well qualified, having been directly engaged on national security issues for most of his long career.

His years in government have given him an appreciation of the complexity of the issues that he will face as Secretary. He also understands how government works best, and knows that, to succeed as Secretary of Defense, he will need to work cooperatively with others who impact the national security agenda, including our military leaders, both Democrats and Republicans in Congress, and particularly this Armed Services Committee, the National Security Council, the State Department, the Director of National Intelligence and the intelligence community, and also the non-governmental community.

I believe that Bob Gates understands that our national security and military policy cannot remain frozen in time as the world changes around us. He understands that, as the facts change, our policies must be flexible enough to acknowledge those facts and to adapt to those changes. I believe that, if confirmed as Secretary of Defense, Bob Gates will be willing to make the kinds of changes and new approaches that many of us are convinced are needed in the days ahead.

Finally, and perhaps most important at this time in our history, Bob Gates understands that the secret to successful leadership lies in the willingness to accept counsel and advice from many people, both inside and outside of government. When facts and circumstances change or when mistakes are made, we must have a Secretary of Defense who listens, who understands, who corrects errors rapidly, and who adapts to reality. I am confident that Bob Gates will listen, will understand, will adapt, and will make sound

recommendations and decisions for our nation's security.

For all these reasons, I am convinced that Bob Gates is an excellent choice to serve as our next Secretary of Defense. Thank you.

Mr. WARNER. Since leaving the CIA in 1993, Dr. Gates served in a variety of academic capacities and as the interim dean of the George Bush School of Government and Public Service at Texas A&M University from 1999 to 2001. On August 1, 2002, he became the 22nd president of Texas A&M, the Nation's seventh largest university.

He referred to his work with that university with a great deal of compassion and sentiment yesterday. He said in a very respectful way that it is going to be difficult to leave that university, but he felt the call of the Nation, the call of the President, had to take priority.

At the hearing yesterday, Dr. Gates was questioned about his past service, about his reasons for returning to Government, and about his views on Iraq, Iran, North Korea, and the tremendous challenges that face the United States today. He acquitted himself remarkably well.

Senator LEVIN and I have been here together for 28 years. My good friend, who will soon follow me, would agree it was one of the more extraordinary nomination hearings we have had in the many years we have served on the Committee on Armed Services, and he was given to unanimous support of each and every member attending that hearing yesterday. I think we had 100-percent attendance except a member attending a funeral.

I commend the President on his decision to nominate Dr. Gates. I am confident he will, indeed, be absolutely fearless in providing expert advice, professional advice, his own innermost personal feelings about the complex issues that face our Nation and, indeed, the world.

For his fellow Cabinet members and to the Congress, he will be an extraordinary new addition, subject to the confirmation of this Senate, to our illustrious role of public servants.

I have served under three Secretaries of Defense when I was privileged to be Secretary of the Navy. Together with CARL LEVIN, we have worked with nine other Secretaries of Defense since that period of time we have been in the Senate.

I conclude on another note which I think is very meaningful. Senator LEVIN and I met with the Iraq Survey Group this morning. I mention that because this volume represents their report. Five very able Republicans, five very able Democrats, drawn from the private sector, now all in the private sector, most all of whom have distinguished public service careers of varying types—it is all a matter of public record—worked on this report as a contribution to the security of this country.

I had a small role with FRANK WOLF and others in helping get the Iraq Survey Group constituted and launched.

They did a very fine job for America, indeed, the free world, in reaching a consensus, in reaching a unanimous opinion on a series of issues.

The debate on Iraq, the debate on Afghanistan, the debate on our security matters should always reign in this Chamber with voices which have different views. How well we know the difficulty, particularly in this most controversial war, the difficulty of reaching a consensus.

I am proud to say our committee—which has among its members a strong diversity of viewpoints about the conflicts for which our men and women of the Armed Forces are courageously carrying the torch for freedom—reached a consensus, unanimously supporting Bob Gates.

I mention those two important chapters—temporary chapters—in the history of this institution because I fervently believe we must try and work in the Congress with the President to reach a consensus on the way ahead in Iraq. All have to give up a little bit of some of our fixed views which we have tenaciously held for these years of this conflict, a conflict now that has gone on longer than World War II. In the spirit of trying to reach that consensus, we owe that obligation to the men and women in the Armed Forces who have given so much, who have lost life and limb, who today are on the front lines—whether in Iraq or Afghanistan.

That is why, throughout this nomination process, I have stressed the need to try to reach a consensus. The nominee himself likewise mentioned he hopes to work with a mandate from the Congress and the President which is derived in a bipartisan way, a consensus opinion.

As I look upon the current situation, we have now the Iraq Study Group Report. The President, very wisely, some 2 months ago, directed every person in his administration who has some responsibility in their portfolios with regard to national security, and most specifically the implementation of our Armed Forces overseas and our foreign policy, to sit down and search their minds to come up with ideas and concepts as to how this Nation must move forward in the weeks and the months to come in Iraq—move forward in such a way that we can achieve a stable government, a government in Iraq that can provide the security for its Nation, a quality of life for its people, and a nation that, hopefully, will join other nations in the free world as a strong working ally in the war against terrorism.

This is the first chapter. The next chapter will be the report, presumably within the executive branch.

The chairman of the Joint Chiefs—I spoke with him by phone this morning—is working among his peer group and particularly those combatant officers and men who have served in Iraq, served in Afghanistan, to draw together their views. His work will not

necessarily be completed in a finite report. To the contrary, his work must go on every day, every week, to make assessments from the battlefields, make assessments internally from the men and women in uniform, and perhaps some of the counterparts and the civilians who worked so closely with our men and women in the Department of Defense throughout the world.

He will be making a contribution to the President as our President works through deliberations that, no doubt, were comparable to decisions Lincoln had to make in that critical period he served as President.

I remember being with our President in his office quietly one day. I believe it was Memorial Day a year ago. When he pointed to Lincoln, he said he often reflects on the pressures that were upon that great President and how he guided this Nation such that we are the United States, all 50 States of America today are one solid, surviving, strong Republic. Also, as Ben Franklin said when he emerged from the Constitutional Convention and was asked, what did they do at the Constitutional Convention of 1789? He wiped his brow and said, we have given you a republic, if you can keep it.

Part of keeping that Republic is keeping faith in the men and women of our Armed Forces as we ask them to take on these burdens. Therefore, it is my hope that after our distinguished President studies carefully the contributions of the Iraq group, of his own internal assessment, indeed, the chairman of the Joint Chiefs of Staff, that he will come to his own conclusions. But before he makes them public, I hope he consults in a bipartisan way with the leadership of this institution in a private forum and then thereafter at the time of his own selection in an announcement to the public.

In that way I hope we can have a consensus, we can show our bipartisanship in strength. We keep our commitment to the men and women of the Armed Forces that this Government, this executive branch, can work as a team on their behalf as we ask them to take the enormous risks of carrying the torch of freedom wherever they are in the world.

EXHIBIT 1

STATEMENT OF DAVID L. BOREN, PRESIDENT, THE UNIVERSITY OF OKLAHOMA, FORMER U.S. SENATOR (OKLAHOMA), BEFORE THE U.S. SENATE ARMED SERVICES COMMITTEE, DECEMBER 5, 2006

Mr. Chairman and Members of the Committee, thank you for allowing me the privilege of joining with my colleague Senator Bob Dole to formally present Dr. Robert M. Gates, the President's nominee for Secretary of Defense. I sincerely believe that at this critical moment, Dr. Gates is the best possible choice for this position.

In my entire adult lifetime, our country has never been faced with more dangerous challenges. With only 6% of the world's population, we face economic growth in other nations and regions which are likely to bring them into economic parity with the United States in a relatively short time and military parity as well if they decide to use their

resources for that purpose. We are militarily spread thin in areas of the world where serious threats exist, and there are no easy options for extracting ourselves from our military involvement in Iraq.

At the end of World War II and the beginning of the Cold War, we also faced threats that could have overwhelmed us. How we responded then provides us with an excellent guide for the present.

First, we brought together people of exceptional talent, like Bob Gates, to serve us without regard to political party affiliation.

Second, leaders like President Truman, a Democrat, and Senator Vandenburg, a Republican, adopted a truly bipartisan blueprint that provided us with a consistent policy for over 40 years without regard to which party controlled the White House or the Congress.

Third, we did not bear all the burdens of leadership by ourselves. We formed strong alliances and partnerships based upon mutual respect. We struck the right balance between diplomacy, dialogue, and military strength. We made sure that we were always strong enough to act alone if we had to do so, but we were wise enough to avoid that situation.

We must do exactly the same thing now. Partisan polarization, if allowed to continue, will destroy our economic, military, social and moral influence in the world and ultimately the fabric of our country.

During his 26 years of service at the Central Intelligence Agency and at the National Security Council, Bob Gates demonstrated his sincere commitment to bipartisanship. He served as Deputy Director and Director of the C.I.A. under Republican presidents with Democratic majorities in both houses of Congress.

During the six years that I chaired the Senate Intelligence Committee, I watched him effectively work to build a consensus on sensitive issues. Democrats and Republicans had equal seats at the table. During these six years, in no small part because of his bipartisan spirit and his respect for the oversight and policy making role of Congress, our committee had only a tiny handful of roll call votes and none of them was close. We simply worked with each other and with the Executive Branch often represented by Dr. Gates until a consensus was reached.

I came to respect Bob Gates as a realist who faced up to the facts and adjusted to changing situations. He rejected inflexible ideological positions and worked hard to fashion practical solutions. We badly need those qualities right now.

More recently, as a fellow university president, I have watched with admiration his leadership in bringing faculty members, students and alumni together to increase the strength and diversity of Texas A&M where he serves as president.

Bob Gates knows how to lead large and complex organizations. He will hit the ground running as Secretary of Defense at a moment when we have no time to waste.

I am here today not only because I believe that Bob Gates has exceptional ability, but also because I have confidence in his personal integrity and his sincere desire to serve our country.

It was my responsibility to chair the hearings which resulted in his confirmation to serve as Director of the Central Intelligence Agency. His nomination came to our committee on June 24, 1991. Our scrutiny of this nominee was not completed until October 18th of that year. All questions which were raised, even those of doubtful credibility were vigorously pursued.

Part of the final committee report read as follows: "By any standard, the consideration of this nomination was the most thorough and comprehensive of any nomination ever

received by the committee. Thousands of documents were reviewed. Hundreds of witnesses were interviewed. The nominee testified for four long days in open and closed sessions responding to almost 900 questions and written responses were submitted to almost 100 additional questions."

In short, these thorough proceedings confirmed the commitment of Bob Gates to faithful and honorable public service.

Today we have an opportunity to embark upon a new bipartisan path to protect our national security. The Senate can do its part by quickly and overwhelmingly confirming this talented nominee as Secretary of Defense. But confirmation alone is not sufficient. The President must also do his part by making sure that he gives great weight to the bipartisan spirit and realistic advice which I believe that he will receive from Dr. Robert Gates.

There are those who say it is an impractical and romantic idea that we can replace polarization with civility, cooperation and partnership. To the doubters, I answer that we achieved it in the Senate Intelligence Committee with the help of Bob Gates only 15 years ago. It is not only an option we can achieve with hard work and determination—it is imperative if the United States is to remain a world leader.

STATEMENT OF HON. ROBERT DOLE, FORMER
U.S. SENATOR FROM KANSAS

Senator ROBERT DOLE. It is on?

Chairman WARNER. Yes.

Senator ROBERT DOLE: Well, Mr. Chairman, I'm almost—I'm probably here by accident, because the phone rang at home, and I picked it up, and the person on the other end said, "Senator Dole, would you mind introducing me at the hearing? and I said, "Yes." Then I learned, later, they were calling for Elizabeth. So—

So—

[Laughter.]

Senator ROBERT DOLE:—I appreciate the fact that she's on the committee, but I appreciate this opportunity, and it'll be very brief.

President John Adams once said, "If we do not layout ourselves in the service of mankind, whom should we serve?" Bob Gates truly understands this. Granted, I may be a little biased, owing to his Kansas roots. It was Kansas where he first learned the meaning of service, while growing up in Wichita. His appreciation for the interests of others grew as a student at William and Mary and throughout his years as a career intelligence official and through his subsequent leadership of our intelligence services, and, most recently, in his stewardship at Texas A&M, one of our Nation's outstanding universities. Through it all, Bob Gates has given of himself in this great tradition to our Nation and our people.

Mr. Chairman, as we convene, our Nation's defense policy is dominated by a single issue: the war in Iraq. Even those critics of the war who want us to withdraw soon or cut our forces substantially acknowledge that the stakes are high. I believe we can agree with our President, who has said, "This is a massive and difficult undertaking. It is worth our effort, it is worth our sacrifice, because we know the stakes. The failure of Iraq democracy would embolden terrorists around the world, increase dangers to the American people, and extinguish the hopes of millions in the region."

At this critical hour, Mr. Chairman, you and your committee have gathered for an exceedingly rare act, the confirmation of a new Secretary of Defense in wartime. The last time this happened was in 1968, when President Johnson nominated Clark Clifford to re-

place Bob McNamara. Make no mistake about it, history is being made here today.

Today, Bob Gates is poised to take the helm at the Defense Department at a time of intense debate over the war. Some contend that, with sufficient time and dedication, victory is assured. Yet, there is no denying that, having overthrown Saddam Hussein, we have not secured the peace, that Iraq's borders remain porous, that the interests and destabilizing involvement and Iran and Syria have not been adequately addressed, and that the current power vacuum creates risk of an even larger scale sectarian conflict. At the same time, those who have been calling for withdrawal or massive date-certain drawdowns should acknowledge that these are tactical shifts, not a radical overhaul of our policies, that the removal of Saddam from power opened the door to democracy, and that to realize these are goals worthy of sacrifice and that defeat is not an option, but the quality of life in many parts of the country is better than it was 4 years ago.

In the American experience, wars that enjoy equivocal support from our people usually end with equivocal outcomes. This is why our country must unite behind a strategy for a successful military mission, a viable exit plan, and a recognizable vision for Iraq's future. I agree with the President that Bob Gates is the man to make this happen. He is a person of uncommon resolve, intellect, and strength of character. He has the force of will to exercise civilian control over the military, but be sensitive to respect the wisdom and counsel of our generals and admirals, and the men under them...

Mr. WARNER. I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Mr. President, I support the nomination of Robert Gates to be Secretary of Defense, as did every member of the Committee on Armed Services, under the leadership of Senator WARNER.

Over the last few weeks, I have met personally with Dr. Gates, reviewed his record, his response to written policy questions from the Committee on Armed Services. I listened carefully to his testimony before the committee yesterday. At every stage of the process I have been favorably impressed by Dr. Gates' candor, his forthrightness, and by the direct answers he has provided to our questions.

The American people in November demonstrated their strong desire for two important changes in our Government. One is a change in policy on Iraq. The second is a change in the atmosphere in Washington. On each of these issues, Dr. Gates' performance has been exemplary.

He has also provided a dose of reality and straightforward honesty relative to Iraq. Dr. Gates' willingness to identify past mistakes was notable. He included in a list of those mistakes, when he was asked, inadequate troop levels at the outset of the operation, disbanding of the Iraqi Army, de-Baathification measures that went too far. He acknowledged we are not winning overall in Iraq, with the important caveat that our troops continue to perform superbly and have yet to lose a single battle.

He agreed we need to communicate a sense of urgency to the Iraqis and to

pressure them to reach a political settlement that only they can reach, and that without it there will be no end to the violence, regardless of improvements in the Iraqi military.

Dr. Gates stated that a major change in policy is needed and that all obligations need to be on the table.

He made it clear that he intends to consult with the commanders in the field, the Joint Chiefs of Staff, and others before recommending a strategy. He stated he would consult with Members of Congress on a bipartisan basis. He agreed that we need to more clearly identify our objectives and match our forces to those objectives. He spoke favorably about the need for specific benchmarks for those efforts and the efforts of the Iraqis.

On the second issue, Dr. Gates placed a strong emphasis on the need for bipartisan solutions to our problems in Iraq and other national security issues. He spoke in favor of congressional oversight. He expressed his desire to work with Members of Congress in both political parties.

Moreover, Dr. Gates stated that our senior military leaders must be free to speak truth to power, to express their views directly to the President, the Secretary of Defense, and the Congress.

He also stated that intelligence should not be politicized and that intelligence analysts must be free to provide their unvarnished views to leaders of both the Congress and the executive branch. He stated to the extent the Office of the Under Secretary of Defense for Policy prior to the Iraq war provided a separate avenue for the analysis of intelligence information outside of the intelligence community that he has "a problem with that."

We will make significant progress in Iraq only if a new approach is forthcoming. We are not going to make significant progress if we insist on circling the wagons, denying any mistakes have been made, and staying the course. We are not going to make significant progress until the administration comes to grips with what is happening on the ground in Iraq and listens to the views of the Congress, the American people, and others who have had differences with the administration.

Dr. Gates' confirmation as Secretary of Defense will not by itself solve our problems in Iraq. Indeed, as he acknowledged, the key decisions on Iraq will continue to be made by the President of the United States, not by the Secretary of Defense.

On the key issues of Iraq, and the atmosphere in Washington, however, his testimony was very encouraging indeed. Dr. Gates' testimony on other issues was positive as well. For example, he stated his belief that we should engage with North Korea, Iran, and Syria, and that he is open to the possibility of doing so on a bilateral basis, even though, understandably, he does not have any great expectations that

such discussions would lead to significant improvements. This kind of willingness to engage in at least discussions with those who disagree with us has too often been hard to find in the administration.

I support Dr. Gates' nomination. I wish him luck as he undertakes these immense challenges facing the Department of Defense.

I want to comment on two other issues, one that Senator WARNER made reference to, and that is the Baker-Hamilton report. That report proposes a welcome change in direction for our policy. It urges the administration and all of us to come together politically on a bipartisan basis. It also suggests that the only way we can maximize the chances of success in Iraq is if the Iraqis come together politically and take over the responsibility for their own country.

The ideas they propose in this report are totally consistent with what a number of us have been urging for a long time: that we have to pressure the Iraqis to take over, that they have to resolve their political differences, and that unless those political differences are resolved by the Iraqis that there is not going to be an end to the violence in Iraq.

The discussion in this report about reduction in forces is a tool of putting pressure on the Iraqis to take responsibility for their own future. We cannot be a security blanket in an unlimited way for the Iraqis. They, and they alone, are going to decide whether they have a nation or whether they have a civil war, and we cannot get in the way of the Iraqis if they are determined to have a civil war.

Finally, I want to say a word about Senator WARNER.

The fact that this nomination is coming to this floor with a unanimous vote is, in part at least, the result of the efforts of Senator WARNER. Obviously, we all have decided that Dr. Gates deserves our confirmation. But, as is always the case with Senator WARNER, the process which was used here was thorough, fair, and consistent with senatorial traditions: that we look at nominees, ask hard questions, be thorough.

His respect for this institution is not exceeded by anybody, as far as I am concerned, in this institution. It is essential to the Senate that we have this kind of respect, not just for each other, as important as that is—and clearly his civility in that regard is also exemplary—but that we also have great respect for the procedures, processes of this institution.

We gave Senator WARNER a little tribute yesterday as we were voting in executive session, a little plaque that had three gavels on it. Those three gavels represented the three times actually that Senator WARNER has been the chairman of the Armed Services Committee; one of which was kind of unique just because for 17 days in 2001, when the Vice President of the United

States was Al Gore because the President had not been sworn in until January 20, and the Congress was 50–50 on January 3, I actually was chairman for 17 days and Senator WARNER was ranking member for that short period of time before he took over again as chairman of the Armed Services Committee. Because of the rules of his caucus, which are totally the business of the Republican caucus, Senator WARNER will now take on other responsibilities in this institution. But his civility, his sense of this institution, his bipartisanship—which is again reflected in the remarks which he made today, and reflected in what he has urged the President to do and what he urged Dr. Gates to do in terms of discussions with Members of the Congress—that effort on his part is so totally typical of him as a human being and him as a leader, who senses that when it comes to national security policy and defense policy this country requires bipartisanship.

Maybe in other areas the danger is less of excessive partisanship. Maybe in other areas besides national security and defense we can get away with being partisan, even though we should not. But in this area we cannot, in good conscience, be partisans. We have to be patriots. We are going to have different views. Those different views are not necessarily going to be divided by this aisle, but those different views are respected, they are welcome.

Senator WARNER again expressed the importance of different voices being added to a chorus. But at the end that chorus, hopefully, will be singing the same song about the security of this country, with different voices from different places but talking about the same goal, which is the national security of the Nation.

Another goal which he has championed is the support for the men and women of the Armed Forces. They never had a greater champion. They have had great champions in this body, on the Armed Services Committee, off the Armed Services Committee. They have had great champions. They deserve great champions. They have had a great champion in JOHN WARNER.

The men and women of the military who put their lives on the line for this Nation deserve the kind of support they get from JOHN WARNER. He is an example that all of us follow, I hope, or at least try to follow when we look at what the needs are of the men and women of the Armed Forces in uniform, and out of uniform, who take the risks for us and whose families take the tragic losses and have to face those losses every moment of every day in that their loved ones are in harm's way.

So I just want to—as we bring, I guess, this last nomination to the floor, which is brought to the floor by Senator WARNER as chairman of the committee—pay him tribute on behalf of the whole committee. We all, in our own way, speak to him about it, some-

times privately and personally, other times very publicly, like this is. But I just want to let him know that he has not only been one great friend, his wife Jeannie and Barbara and I have been great friends, and we will continue to be.

As he frequently points out, we came here together, which is a special bond between us—which it is for all Members of the Senate. Members of their class are usually the ones they are closest to, just like in high school. That has nothing to do with party labels or affiliations. That has everything to do with relationships, going through the same process together and going through the same hoops and jumping the same hurdles together.

We have done it together. I relied on him more than he will ever know, and I will continue to rely on him as a member of the committee. But as I undertake my new responsibilities, I, again, not only will continue to cherish his advice and friendship, but I will be relying on it almost as much as ever.

I thank him, I know, on behalf of all the members of the committee.

The PRESIDING OFFICER (Ms. MURKOWSKI). The Senator from Virginia.

Mr. WARNER. Madam President, I am deeply touched by my colleague's comments. We have stood toe to toe on this floor. How many times have we walked right out here and looked each other in the eye, and sometimes with a great deal of ferocity disagreed on matters? But I suppose if you ever asked Members of the Senate what their greatest reward for service in the Senate would be, certainly high among those rewards is the personal association with Members.

I have calculated, I say to the Senator, in the time we have been here these 28 years there have been 241 different Senators we have come to know and shared the work of this great institution. We have shared it with them. But you have been very special, a good friend. We do not always agree, but that is all right. That is one of the foundations of this country. But I do hope perhaps together we can work on forging this consensus which I feel so strongly about, and you feel so strongly about, because this is one of the most unusual chapters of the history of America.

I say to the Senator, you mentioned my association with the men and women of the Armed Forces. I was privileged to serve as a 17- or 18-year-old sailor in the last year of World War II and later in the Marines during the Korean conflict. I mention that only because my military active duty is of no great consequence. I just did what millions of others have done—no great valorous contribution, but I did my duty. But I got to know those people and what it is that inspires a young person to volunteer.

Then my work as Secretary of the Navy in the final years of that turbulent period in Vietnam, we emerged with the All-Volunteer Force, which is

the most extraordinary military force in the world today. Nothing comparable.

If you look back in military history, there used to be not only conscripts, but they used to go out and lock them up. It is noted in the Navy, they would go back and hijack innocent civilians and put them onboard ships, and the Navy would keep them there for 2 years. They never got off the ships. But today we have this All-Volunteer Force. And decisions in the military are made around the dinner table—we say, the families—and therefore they are a vital part of it.

So I am so proud to work with you and the members of the committee. And I say to the Senator, you are going to do a fine job as chairman. You had that briefly for a while, and now you have it again. We are there to support you in your capacity as chairman and do everything we can.

I hope one of the earliest challenges out of the box, as we say, in January 2007—just weeks away, surprisingly—will be that we can work on a consensus in the supporting of our President and supporting the men and women of the Armed Forces as we chart the future direction for Iraq and other conflicts.

I mentioned the report of the Baker commission, I say to Senator LEVIN. I am just looking through it. We were both in there this morning. But they said the following on the first page:

Our country deserves a debate that prizes substance over rhetoric, and a policy that is adequately funded and sustainable. The President and Congress must work together. Our leaders must be candid and forthright with the American people in order to win their support.

The reason I urged the President to come and visit privately with the leadership of the Congress before his final decisions was a reflection of the mandate of the people in this most recent election. I believe they spoke very loudly. This war was heavily influencing the judgment they made when they went to those polling places.

This report stresses the need for that public support. The young men and women who go out and take these burdens on want to feel that every American citizen is behind them as they perform their duties.

Further, this report says, on the next page:

What we recommend in this report demands a tremendous amount of political will and cooperation by the executive and legislative branches of the U.S. Government.

It demands skillful implementation. It demands unity of effort by government agencies, and its success depends on the unity of the American people in a time of political polarization. Americans can and must enjoy the right of robust debate within a democracy. Yet, U.S. foreign policy is doomed to fail—as is any course of action in Iraq—if it is not supported by a broad, sustained consensus. The aim of our report is to move our country toward such a consensus.

We have had two chapters. We have had this and the vote of the committee yesterday. I do not wish to predict the

vote that will take place, but in my heart of hearts, I think there will be a strong consensus when, hopefully, the vote on Mr. Gates is taken in the Senate.

I thank my colleague for his strong effort to make all of this possible.

I believe our colleague from Texas wishes to address the Senate.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mrs. HUTCHISON. Madam President, I have a motion which is in order, but I need to hold off because another person involved is not here. I have given him my word that I would wait. So if Senator LEVIN has something to proceed with, I suggest that Senator LEVIN proceed.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. LEVIN. Madam President, Senator KENNEDY is here. I ask unanimous consent that after Senator KENNEDY has completed, Senator HUTCHISON be recognized again in the event she is prepared to go at that time.

Mrs. HUTCHISON. Madam President, I just ask how long does Senator KENNEDY expect to speak?

Mr. KENNEDY. Probably 6, 7 minutes.

Mrs. HUTCHISON. I thank the Chair.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The Senator from Massachusetts is recognized.

Mr. KENNEDY. Madam President, before making these comments on the Baker-Hamilton report and on the nominee for Secretary of Defense, I join with my colleagues on the Armed Services Committee in paying tribute to an extraordinary friend and incredible Senator and a magnificent leader, the chairman of the Armed Services Committee. I think all of us who have been on that committee know of its importance in terms of its responsibilities for the security of our country. It has been a place of extraordinary leadership historically for this Nation at very challenging times.

Having had the greatest public honor of representing the people of Massachusetts and being on that committee now for some 25 years, I join my friends in the unanimous acclamation to a very extraordinary individual, our chairman, JOHN WARNER. I thank him so much for his service to our country over a long and very distinguished career. I grew up in a family that believed that individuals can make a difference, and JOHN WARNER has made an extraordinary difference to this Committee, to the Senate, and to the country. I consider myself fortunate to have served on the committee and to call him my friend.

Mr. WARNER. Madam President, from the depth of my heart, I express my appreciation to the Senator and others who have reflected those sentiments.

Mr. KENNEDY. Madam President, this morning the Iraq Study Group

issued a stunning indictment of the administration's policy toward Iraq.

The study group has concluded that the "situation in Iraq is grave and deteriorating" and that "sectarian conflict is the principal challenge to stability."

The group's report explicitly rejects the strategy of staying the course. As it states, "Current U.S. policy is not working, as the level of violence in Iraq is rising and the government is not advancing national reconciliation. Making no changes in policy would simply delay the day of reckoning at a high cost. Nearly 100 Americans are dying every month." Truer words were never spoken.

The study group calls for "new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq that will enable the United States to begin to move its combat forces out of Iraq responsibly."

Significantly, this group of distinguished leaders has called unanimously for change in our military mission of engaging in combat directly to a new mission of supporting the Iraqi army and beginning to withdraw our combat troops. The report sets a clear goal for achieving this shift in mission and beginning the redeployment of our forces by the first quarter of 2008. The report states clearly that "the United States must not make an open-ended commitment to keep large numbers of American troops deployed in Iraq."

Instead, the report calls for clear commitments from the Iraqi government on reconciliation, along with clear consequences for our military, political, and economic assistance if the commitments are not met.

The report also calls for talks that include all of Iraq's neighbors in the region, especially Iran and Syria, and for a new diplomatic initiative to resolve the Israeli-Palestinian conflict.

The American people are demanding change in Iraq. Robert Gates, the nominee for Secretary of Defense, has agreed we need change, and now the bipartisan Iraq Study Group recommended a clear change in the way forward in Iraq.

The verdict is in. There can no longer be any doubt that the violence and chaos in Iraq are getting worse, that our current strategy is failing, and that we need to work together on a new strategy that will make it possible for us to bring our troops home. The only question is whether the White House will heed this clarion call and agree to change the perilous course we have been on in Iraq since Saddam Hussein fell and the chaos began.

More of the same failed policy that depends on an open-ended commitment of our military will not bring America closer to success. It will not stop the violence. It will only continue to undermine our own national security interests.

Iraq is the defining issue of our time, and the person who will have a major

voice in meeting the enormous responsibility of recommending the new course will be the new leader we are confirming today as the Secretary of Defense.

The American people are demanding far more than a change of faces at the Pentagon. They are demanding—and they deserve—a comprehensive change in our policy so that we finally have a policy on Iraq that is worthy of the enormous sacrifice, commitment, and valor of our men and women in uniform.

Although I voted against the nomination of Robert Gates to head the CIA in 1991, I support his nomination to be Secretary of Defense, because he assured the committee that he would be an independent thinker and give candid and frank advice to the President about a way forward in Iraq.

During the confirmation hearing yesterday, Dr. Gates spoke with candor—a candor that has been sorely missing from the Department of Defense under this administration. He recognized the high price that our troops are paying for the current policy.

He clearly stated that we are not winning in Iraq and that all options for a way forward are on the table.

He assured me personally that he would speak candidly, frankly, and boldly to people at both ends of Pennsylvania Avenue about what he believes and what he thinks needs to be done. He told me that he is not coming “back to Washington to be a bump on a log.” He assured me that he will be “independent” and that he “will consider all of the options.”

He said that he is open to dialogue with Iran and Syria.

We all hope the administration will quickly set a new course that will enable our troops to begin to come home. We need more than a new face—we need a new policy.

Our men and women in uniform who are making the ultimate sacrifice in Iraq deserve no less, and I look forward to working with Dr. Gates on these important issues in the months and years ahead as he assumes the responsibility of Secretary of Defense.

I yield the floor.

Mr. WARNER. Madam President, I thank our colleague for his distinguished participation on our committee for these many years. He was with us all day yesterday in regard to the hearing. The Senator's questions were very pointed. I am delighted to hear of his support.

At this time, I think the Senator from Texas is ready.

Mrs. HUTCHISON. Madam President, we are still in negotiation on the point. If no one else is here, may I make my statement on behalf of Bob Gates?

Mr. WARNER. Absolutely. Now would be the time to do it.

I wish to inquire of the Presiding Officer, is there not an order to stand in recess at 12:30?

The PRESIDING OFFICER. The Senator is correct.

Mr. WARNER. I hope at that time we can make a unanimous consent to take such time as the Senator needs.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that we be able to move that adjournment time until after the motion I wish to make is done and Senator DEMINT has a chance to respond.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mrs. HUTCHISON. Madam President, I would like to take this opportunity to speak on behalf of Dr. Robert Gates to become the next Secretary of Defense. I am very pleased to stand in support of this great man. I have gotten to know him, working with him as president of Texas A&M University and, before that, as the head of the Bush Library there. I have found him to be a thoughtful, visionary leader who is a perfect fit for what we need in the Department of Defense at this crucial time.

I was very pleased to see the Senate Armed Services Committee overwhelmingly and unanimously approve his nomination and bring it to the floor. I thank Chairman WARNER and Ranking Member LEVIN for acting expeditiously on the nomination because, of course, when there is a transition in place, you need to have the leader confirmed.

American military personnel are bound by the core values of duty, honor, and country. GEN Douglas MacArthur articulated this during his famous address to cadets at West Point in 1962.

Dr. Bob Gates certainly understands the meaning of these values. Dr. Gates had not anticipated returning to Government service. He said he has never enjoyed any position more than being president of Texas A&M University. That makes me proud in itself. But in wartime, he said he could not refuse the President's request.

Over the last 40 years, Dr. Gates has gained experience that makes him uniquely qualified to serve as our 22nd Secretary of Defense. He stands ready to provide leadership that America needs to achieve victory in the war on terror. He has been a commissioned officer in the Air Force, serving in the Strategic Air Command. He holds a Ph.D. in Soviet history from Georgetown University. He has held numerous positions within the intelligence community, including Director of the CIA and Deputy National Security Adviser. In 2002, he became president of Texas A&M, our Nation's sixth largest university.

Most recently, he was also a member of the Iraq Study Group that has just made its report today. He was a member until his nomination as Secretary of Defense. I believe that also has provided him with a good background on what is needed on the issue he faces so starkly right now; that is, what we do in Iraq, what do we do that allows the Iraqi people to have a government that is stable, a government that cannot be

overrun by outside forces, and a government that will be stabilized itself for the good of its own people?

Dr. Gates' background is going to be perfect also at this particular time because he has worked across the aisle. He has worked in intelligence, which is not a partisan issue. So I believe his experience and his ability—acknowledged by all—to work with others is the right formula for leading our Department of Defense and working as one of the President's closest advisers.

I am very pleased that he has accepted this huge challenge. Texas A&M is a great university. It is a university that has a unique spirit, and it is a military spirit. So many of our heroes from past wars have graduated from Texas A&M University. He has kept this military connection, his intelligence connection, and his ability to work with others, all making him the very best choice for the President.

I, for one, know this man and am very confident that he is the right choice. I look forward to working with him to make sure we are doing the right thing in the war on terror, which is bigger than just Iraq. It is Afghanistan. It is all over the world where terrorists are harming people and are taking away part of the freedom for which we stand. And we don't want that to happen. We have to beat the terrorists, and I want to beat them where they are, not have them come to America ever again and hurt American citizens and people who live and work in America.

I think Bob Gates is the right person to advise the President, to work with the President, to implement the President's policies and bring this war to a conclusion with only one thing to be said, and that is, a conclusion that is a victory.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. HUTCHISON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—H.R. 5385

Mrs. HUTCHISON. Madam President, I rise today to speak on behalf of the brave men and women who are defending our country around the world and for those valiant veterans who have served and are now home.

On November 14, this Senate passed the Military Construction and Veterans Affairs appropriations bill. I was on the Senate floor for 5 hours, and every Senator had ample time to debate any part of this bill. Several Senators spoke. In the end, this bill was agreed to by the entire Senate by a unanimous vote. It is a good bill. It is a bipartisan bill. It is one that we have worked on together for months.

We are at war. We have to care for the men and women fighting this war, and we have to take care of them when they return. This bill funds the vital infrastructure our brave soldiers, sailors, and airmen and women need to defend our country. They must have the funding to operate bases with sufficient facilities and protection so they can fulfill the mission we ask of them.

The bill also provides critical dollars to care for those veterans who were injured in battle. This bill provides funds for medical services and mental health treatment for veterans suffering from the wounds they received in battle. They are not only suffering from obvious wounds, thousands are suffering from traumatic shock and mental anguish. Thousands are suffering from diseases for which we don't even have a treatment. This bill funds the research for that treatment.

As a nation, we ask our men and women to defend and protect us. We owe it to them. We have an obligation to care for them. It is a moral obligation and one that I feel is my responsibility to fulfill.

If we adjourn without completing our work on this bill, we will let those men and women down. We will let down every American they swore an oath to protect and serve.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of H.R. 5385, the Military Construction appropriations bill; that the Senate insist on its amendment, request a conference with the House, and the Chair be authorized to appoint conferees.

The PRESIDING OFFICER. Is there objection? The Senator from South Carolina.

Mr. DEMINT. Madam President, reserving the right to object, let me say that I strongly support this legislation that will maintain and improve the quality of life for our military personnel. I believe that the Senator from Texas, the chairwoman of the subcommittee, has done an excellent job with the bill.

I am also pleased that the Senator from Texas obviously feels there is still time to conference this bill, since the House committee has been saying in the newspapers that there is not enough time. I agree with Senator HUTCHISON that if we appointed conferees today, with some hard work, this bill could get finished.

I, also, add that the Senator from Texas is committed to keeping this bill clean in conference, which we greatly appreciate. I agree with her that we are at war, but those of us who sent our troops to war should not be back home selling out the country for which they are fighting. It is my understanding that the chairman of the Appropriations Committee has refused to make the assurances that we need to keep this bill clean in conference and, therefore, if I consent to letting this bill go to conference, there is a risk that it will return to the Senate as a foot-tall

Omnibus appropriations bill, with thousands of earmarks in an unamendable form. Therefore, Madam President, I object.

The PRESIDING OFFICER. Objection is heard. The Senator from South Carolina.

Mr. DEMINT. Madam President, over the last several weeks, I have made it clear that I believe this bill, which is a good bill, needs to stay clean of additional appropriations and earmarks if it is to go to conference. I was asked by the members of the Senate steering committee to protect their interests in keeping these appropriations bills clean.

I informed the leader that the steering committee did not believe it was wise to send a bill to conference without an understanding of what the conference agreement would look like. I have made it clear that all we want is a commitment from the leadership and the Appropriations Committee that this is what will happen. I am not looking for anything extraordinary, a unanimous consent agreement or anything like that. We would be satisfied with a commitment from the chairman of the committee or the leadership that this is what will happen.

At one point, it appeared that we had such an agreement. Leader FRIST asked me to put on paper what our specific concerns were to avoid any confusion. I did so.

I ask unanimous consent that a copy of this letter from myself, Senator COBURN, and Senator INHOFE be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,
Washington, DC, December 4, 2006.

Hon. BILL FRIST,
Majority Leader U. S. Senate, Washington, DC.

DEAR MR. LEADER, We share your commitment to addressing the needs of our veterans, service members, and their families, while protecting the interests of hard working American taxpayers. As we have said from the beginning, we will support a clean Military Construction, Military Quality of Life, and Veterans Affairs conference report, as long as it is not used as a vehicle for a pork-laden omnibus.

Therefore, we hereby reiterate our support for a conference if, and only if, it is limited to producing a military construction and veterans spending conference report and potentially a clean continuing resolution for the remaining unfunded appropriation bills to ensure the uninterrupted operations of the Federal government.

Additionally, with respect to the military construction and veterans spending legislation—

1. Each spending provision or directive language in either the text of the final legislation or the statement of the managers must meet one of the following criteria—

a. it is authorized in current law, and the amount in the conference report does not exceed the authorized level;

b. it was requested in the President's Budget, and the amount in the conference report does not exceed the amount in the President's Budget;

c. it is listed on the Future Years Defense Plan and the amount in the conference re-

port does not exceed the amount in the Future Years Defense Plan.

2. Each spending item contained in the conference report must be contained in either the House or Senate bills and must not exceed the higher of the two amounts for that specific provision.

3. The total spending level in the Military Construction and Veterans Affairs and Related Agencies Appropriation Bill shall not exceed the current 302(b) allocations.

Thank you for your leadership and willingness to do the right thing for American taxpayers.

Sincerely,

JIM DEMINT,
TOM COBURN,
JIM INHOFE.

Mr. DEMINT. Madam President, the leader then told me he wanted to talk with Senator HUTCHISON and the chairman of the Appropriations Committee before he responded to the letter. Senator HUTCHISON agreed to the parameters of the letter. The chairman of the committee, however, felt that he could not agree to the request we made in the letter. Unfortunately, that means the Military Construction bill will have to wait until next year.

I take my colleague from Texas at her word when she says she will keep the bill clean. I know she will keep the bill clean. However, when the chairman of the committee says he will not make such a commitment, I must take him at his word as well. I believe the veterans and military projects need to be funded and should not be used as a vehicle for unrelated, wasteful earmarks.

Let me explain how we got to this point. In the November 7 elections, one of the top issues for the voters was wasteful spending. While we have done some things to control taxes and spending, we have not done nearly enough, and the voters are right. Earmarks have gone up in numbers every year and are now at an all-time high. If this does not end, we will never regain the trust of the American people.

When the military construction and veterans spending bill passed the Senate, I strongly supported it. However, it was clear that the intent was to use the bill as a shell to carry the Omnibus appropriations bill and other add-ons. Because the scope of the conference rules has become so relaxed, the conferees, under our rules, would have the ability to put into the bill any projects they please, with no opportunity for us to amend them or even vote, except on final passage of the bill, which would be overwhelmingly approved.

The conference process has rendered the Senate floor consideration of bills almost irrelevant. Nothing we do in this Chamber matters until a bill goes to conference. When a bill goes to conference, conferees may remove provisions that are in both the House and the Senate bills, even if they were approved by both Houses overwhelmingly. Conferees may add provisions that are unrelated to either bill.

Through this process, a clean Military Construction bill could grow into a foot-tall Omnibus appropriations bill, with thousands of earmarks and wasteful spending. The process is flawed, and

it cannot continue this way. When a bill comes back that funds the entire Government and we are forced to vote for the bill or shut down the Government, that bill is going to pass. This means that if I consent to letting this bill go to conference, I am essentially consenting to enact whatever the conferees want to insert in the bill unamended.

We put a lot of trust in our conferees, and all I was asking was for an understanding from the committee that we know, at least in general, where the conference will be headed. I have not been able to get this commitment. I was given no information and no assurances.

Therefore, I am compelled to do what I think is right to protect the taxpayers and to provide integrity and accountability in the spending process.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Madam President, let me say right upfront, I hope this objection will go away sometime today. I think we are talking about whether something is done in writing or whether it is semantics. I didn't have to agree to what was in the letter that was written to the leader because our Military Construction bill meets all of the criteria they set forth. I didn't have to agree to their letter because everything in our bill is authorized or it is in the President's bill or it is in the future years' designations of priority by the Department of Defense. That is called a FYDP. It meets those criteria. We don't put provisions in our military construction conference committee reports that are not in the House or Senate bill.

All I can do is give my word that this is not going to turn into an omnibus. I am giving my word it is not going to be an omnibus. It is going to be the Military Construction and Veterans Affairs bill that was passed unanimously by the Senate.

I hope that all of the relevant parties will be able to sit down because I can't call this up for a vote. It would be spread out for so long as to lose the ability to go to conference. The House is planning to go out of session at the end of this week. I would stay here for 2 weeks to finish this bill because there is so much in it that is important. It is all new starts. This bill is filled with the priorities that the Department of Defense has in facilities on military bases all over this country, including quality-of-life housing for our military men and women. It has veterans affairs priorities and increases in funding for mental health and for research into post-traumatic stress syndrome. There are many items in this bill that will not be covered in a continuing resolution.

I hope we will all be able to sit down together. I hope the House will cooperate if we send this conference committee request to them. I am prepared to work all night and all day tomorrow to try to fit all of the timeframes.

Let me end by saying that we are very close between the House and the Senate. I think we can work out the differences between the House and the Senate. I am saying right now this will not turn into an omnibus appropriations bill. It will be a bill that funds military housing and quality of life for our men and women in the military and their families, and it will have the new starts that cannot be covered by a continuing resolution. We certainly meet the criteria or the Senate wouldn't have passed the bill unanimously.

So I am not saying the Senator from South Carolina is wrong in his statements about what happens in conference committee reports in many other areas and in the history of the Senate. He is right. Sometimes a conference report will turn into an omnibus, and sometimes you find things that are not in either the House or Senate bill. But I am saying today that would not be the case in our bill, nor has it been the case that I can remember in past bills. Maybe I am forgetting something. But by and large, our bill is straightforward. And by and large, our bill is supported by the entire Senate. It is not very far from the bill that the House passed, and I think if we all put our minds to this and put away—I don't think our leadership would be required to sign a letter and I don't think the chairman of the Appropriations Committee should be required to sign a letter. I think we should be good for our word around here. If we are not, then we have lost the spirit of this institution.

So I am saying today that I am going to go back to the drawing board. I am going to work with the Senator from South Carolina and the Senators from Oklahoma. I am going to work with my counterparts on the House side, and I am going to try to get a bill through here, and I am not going to stop trying for the rest of the time that one of our Houses is in session. I think we owe it to our men and women in the military, we owe it to the veterans who have already served. We owe it to those people who are coming back here without limbs that we are funding at additional levels, not only the prosthetics but also the training on how to be proficient in using those artificial limbs. Madam President, I think we can do it. I am committed to trying, and I hope everybody who is involved in this process will also try.

Let me also add that my counterpart, Senator FEINSTEIN, who is the ranking member of this subcommittee, is in full support of this bill. I have talked to her about the issue I am trying to address, and she is ready to go to conference. I do believe that if we will sit down and talk with everyone who is interested, everybody would be satisfied that we will keep our word and we will do what we intended to do, anyway, which is conference a bill that is going to take the differences in the House and Senate bills and resolve those dif-

ferences. That is what we are supposed to do, and that is what I am committed to do.

Madam President, I yield the floor.

Mr. KENNEDY. Madam President, I know we have the call for party lunches. I have some comments which are heartfelt about a colleague of ours, PAUL SARBANES, and I wonder if the Chair would indulge us for a few minutes to be able to make these comments now. We are debating the Secretary of Defense, but we have set that aside until after the conferences of our parties. Would it be permissible with the Chair if I made some brief comments?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I thank the Chair for her courteousness and understanding.

(The remarks of Mr. KENNEDY are printed in today's RECORD under "Morning Business.")

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m. today.

Whereupon, the Senate, at 12:56 p.m.; recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. SUNUNU).

NOMINATION OF ROBERT M. GATES—Continued

Mr. THOMAS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMENICI. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. DOMENICI. Mr. President, on behalf of the leader, I ask unanimous consent that at 2:30 p.m. tomorrow the majority leader be recognized to speak.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from New Mexico is recognized.

THE APPROPRIATIONS PROCESS

Mr. DOMENICI. Mr. President, I come to the floor here today to share with my colleagues and my constituents my frustration with the inaction of Congress on its most basic responsibility, to enact bills to make appropriations for the Government for the coming year.

No money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

That is the Constitution of the United States. There is no responsibility more fundamental than the one I